

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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RAKIM CORRY,

Plaintiff,

-against-

THE CITY OF NEW YORK, P.O. DAVID DONIS (Shield
27484), P.O. ROBERT MANZI,

Defendants.
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**STIPULATION AND ORDER
OF SETTLEMENT AND
DISCONTINUANCE**

CV 09-2840 (ENV)(RML)

WHEREAS, plaintiff commenced this action by filing a complaint on or about July 2, 2009, alleging that certain of his federal and state rights were violated; and

WHEREAS, plaintiff filed an Amended Complaint in this action on December 18, 2009; and

WHEREAS, defendants City of New York and Police Officer David Donis (or "City Defendants") have denied any and all liability arising out of plaintiff's allegations; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action brought by plaintiff Rakim Corry is hereby dismissed, with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. Defendant City of New York hereby agrees to pay plaintiff RAKIM CORRY the sum of FIFTEEN THOUSAND DOLLARS (\$15,000.00); in full satisfaction of all

claims made against the defendants, including claims for costs, expenses, and attorney's fees. In consideration for the payment of these respective sums, plaintiff Rakim Corry agrees to the dismissal of all the claims against the named defendants, the City of New York and Police Officer David Donis, with prejudice, and to release defendants, and any present or former employees or agents of the City of New York (including Police Officer Robert Manzi, who was newly added in the Amended Complaint, but not served), or any agency thereof, including, but not limited to the New York City Police Department, from any and all liability, claims, or rights of action under state or federal law arising from and contained in the complaint in this action, including claims for costs, expenses and attorney fees.

3. Plaintiff Rakim Corry shall respectively execute and deliver to the defendants' attorney all documents necessary to effect this settlement, including, without limitation, a General Release based on the terms of paragraph "2" above and an Affidavit of Status of Liens.

4. Nothing contained herein shall be deemed to be an admission by any of the defendants that they have in any manner or way violated plaintiffs' rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or the New York City Police Department.

6. This Stipulation and Order, comprising three type-written pages, contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
Dec. 30, 2009

Patrick O'Keke, Esq.
Attorney for Plaintiff
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(718) 855-9595

By: 

Patrick O'Keke, Esq.

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and Police Officer David Donis
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By: 

Kathleen E. Naughton
Assistant Corporation Counsel

The Clerk is directed to close this case.

SO ORDERED:

s/ENV

HONORABLE ERIC N. VITALIANO
UNITED STATES DISTRICT JUDGE

JAN 4 2010